

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Datatrak International, Inc.,)	CASE NO. 1:11 CV 458
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Medidata Solutions, Inc.,)	<u>Memorandum of Opinion and Order</u>
)	
Defendant.)	

This matter is before the Court upon plaintiff's Motion for Leave to File Motion for Reconsideration as to Limited Third Party Discovery (Doc. 37). The motion is DENIED. In order to seek reconsideration, plaintiff must show 1) an intervening change in controlling law; 2) the existence of new evidence; or 3) a clear error of law or manifest injustice. Plaintiff's motion for leave does not satisfy any of these criteria. Rather, plaintiff simply reargues issues already rejected by this Court. Specifically, plaintiff asks the Court to permit it to conduct "limited third party discovery." As grounds for this motion, plaintiff points out that certain users of defendant's technology are involved in clinical drug trials. Because federal regulations require that terminated clinical trials need only maintain records for two years following termination,

plaintiff claims that there is a “likelihood” that records might be destroyed. At best, the arguments plaintiff presents are speculative. As defendant points out, these entities may indeed have record retention policies requiring third parties to maintain records for a longer period of time. Moreover, there is no suggestion that the drug trials are or will be terminating in the near future. In any event, these arguments could have been made in the previous briefing submitted by the parties. In sum, plaintiff presents no grounds justifying reconsideration. Plaintiff’s motion for leave is DENIED.

The Court further finds that defendant is not entitled to sanctions or an award of fees.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 1/26/12